REMARKS

Reconsideration of this application is respectfully requested. Applicant believes that consideration of this amendment is proper because they have attempted to comply with every requirement expressly set forth in the previous Office Action dated June 24, 2011 (Paper No. 20110615) and believe the application is now in condition for allowance.

Claims 1 – 9 and 15 – 17 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Kahara et al. (U.S. Patent No. 5,753,871) in view of Baig (U.S. Patent Application Publication No. 2002/0139611) and Forry (U.S. Patent No. 4,585,685). The Applicants respectfully traverse this rejection as no *prima facie* case of obviousness has been established. Arguments set forth in previous amendments are reasserted here.

As argued previously, and as admitted by the Examiner, neither the Kahara nor Baig references disclose aggregate particles that are pressed into the front surface of the core of the acoustical tile. Applicants assert that this language describes a product structure that differs from that of Kahara in view of Baig. Referring to Fig. 1, deposition of the particles on the surface of the wet core and pressing of the particles into the core surface results in particles that are at least partially surrounded by the wet starch gel/mineral fiber composition. As the composition dries, it molds itself to the embedded portion of the particle bonding the particle tightly to the core. Baig suggests only

spraying particles onto the fully dried surface of a ceiling tile. After application of a mineral wool rich surface, the surface was coated with an acoustical paint. The particles are not embedded in or even touch the core composition. Nor are the particles bonded tightly to the core. They are held in place only by being coated with paint. Thus, this is a very different structure than that described by Applicants' claims.

The claims have been amended to recite that the aggregate is pressed into the core, not the tile. This further differentiates it from Baig whereby the particles are sitting on top of the mineral wool rich surface layer and do not even touch the mineral wool/starch gel core material.

Further, the Office Action contends that there is motivation to apply the particles from Example 9 of Baig and utilize them in the composition of Kahara. The Examiner points to the Abstract of Baig stating, "[t]he benefit of the acoustical ceiling tile in Baig '611 is improved sound absorption." This statement applies to the broad invention of Baig, which is the dual layer tile comprising a low mineral fiber content base mat and a mineral-wool rich overlay. No advantages are attributed to the calcium carbonate surface coating of Example 9 compared to the smoother surfaces of Examples 2-8. In fact, one skilled in the art might view this surface to be detrimental. This example has the lowest NRC of any of the examples. One might reason that if the tile has a higher NRC without the particulate coating, then the particulate coating does not add to the acoustical properties of the tile.

Regarding Forry, the Office Action argues that Forry does not preclude the use of perforation or fissuring of the ceiling tile to render the ceiling tile acoustically porous. Although this may be true, it does not address the admitted problem of Forry that the facing materials cannot be adequately adhered to the board in the wet state. And even if an artisan used perforation or fissuring to achieve additional porosity, it does not change the fact that Forry used these passages to differentiate his material over that of a wet-laid process. If Forry states that the use of a dry-formed web produces a composition that is different than that of a wet-laid process, how can the Examiner state differently?

Regarding the motivation to combine the references, the Office Action vaguely states, "[p]er the above stated U.S.C. § 103 rejections, the motivation of the combination of reference (sic) is both to enhance acoustic properties and to create a non-friable layer." No specific reference is given so it is unclear to which references or passages to which the Examiner is referring. As admitted by the Examiner (page 3, first full ¶), Kahara fails to disclose the use of aggregate particles on the surface of a ceiling tile. Cotts is not even cited in the present rejection. Applicants respectfully request citation of one or more specific passages where the use of particulates is suggested to improve acoustic properties or that there is an advantage in creating a non-friable layer.

Applicant has shown that no prima facie case of obviousness has been established. The prior art fails to disclose aggregate particles embedded into a front surface of the core of an acoustical tile to make the same structure as taught by Applicant. There is no motivation to press the aggregate of Forry into the wet-laid tile of Baig or Kahara. Forry teaches away from use of wet-laid processes and Baig fails to teach any benefit of using particulates on the surface of a ceiling tile. Applicant respectfully requests that this rejection be withdrawn and the subject claims be allowed to issue.

Claims 1 through 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cotts (U.S. Patent No. 3,184,372) in view of Baig and Forry. Applicant respectfully traverses this rejection. The arguments asserted above with regard to Baig and Forry are reasserted here. In addition, Applicant respectfully submits that the product formed by the method of Forry would have a different structure than that claimed by Applicant. As admitted by the Examiner, Cotts fails to disclose a front surface of the ceiling tile coated with aggregate particles.

Further, there is no motivation to combine Forry with Cotts and Baig for reasons discussed above. Therefore, no *prima facie* case of obviousness has been established. In light of the foregoing, Applicant respectfully submits that Cotts, Baig and Forry alone or in combination do not teach, disclose or suggest the invention claimed by the Applicant. Reconsideration and allowance of the claims is respectfully requested.

By the above arguments and amendments, Applicants believe that they have complied with all requirements expressly set forth in the pending Office Action. Issuance of a Notice of Allowance on the remaining allowed claims is respectfully requested. Should the Examiner discover there are remaining issues which may beresolved by a telephone interview, she is invited to contact Applicants' undersigned attorney at the telephone number listed below.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,
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